

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
BOARD MEETING**

**FINAL MINUTES**

**MARCH 17-19, 2014**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 3:30 P.M. ON MARCH 17, 2014 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD; OFFICE SUPERVISOR, LORI THOMASON; BOARD ATTORNEY, ROGER HALES AND EDUCATION/ENFORCEMENT SUPERVISOR, RANDY WADLEY. BOARD MEMBERS CHRIS KORELL AND TOM LONG WERE NOT PRESENT.**

**Agenda** - Director Howard gave a brief overview of the agenda.

**Outfitter License Deferral/Selling Outfitter Business** – Anthony Neidlinger; Darl Allred (Allred Adventures LLC); John Kidd, Lowman District Ranger; Brandt Peterson, Idaho City District Ranger, and Megan Impson from the Boise National Forest appeared before the Board to discuss Darl Allred (Allred's Adventure LLC) selling his licensed area 2B to Anthony Neidlinger for Bear and Cougar activities. Director Howard explained Mr. Allred has one licensed business but has initiated a sale to Kris Keller and another one to Anthony Neidlinger resulting in two additional licensed businesses. He explained neither application was complete but with Neidlinger, due to the size of the area, it was questionable whether it alone would support an outfitter business. He said he needed some direction from the Board on how to move forward. The Board and the USFS discussed a concern that should this business fail, Mr. Allred may expect to be permitted again and relicensed. They discussed the costs and complications involved with such occurrences. Mr. Allred said that this was a cash sale which would prevent that expectation in this instance. Mr. Neidlinger also stated that he did not intend to have the business conducted in this area be his only income. The Board discussed that with this in mind, the size is acceptable with the understanding that this is not a standalone business and will not support an outfitter full time, and there is no reversionary expectation. District Ranger Peterson said that the USFS had not completed the analysis allowing either Keller or Neidlinger to be federally permitted and it may be some time before a decision is reached. He said other priorities were ahead of these and there was lack of staff to handle them. The Board agreed to accept an application from Mr. Neidlinger and move forward with licensing pending a federal permit needed to operate.

*Chairman Hunsucker recessed meeting at 4:15 P.M. until Tuesday March 18, 2014 at 8:30 A.M.*

*Chairman Hunsucker reconvened meeting at 8:30 A.M. Tuesday March 18, 2014 with all present except Board Attorney Hales.*

**Salmon Challis Lemhi County Prospectus** - Patti Schwind and Jay Winfield representing the Salmon Challis National Forest, USFS were on hand to review and score applications submitted for a vacant area announced in a prospectus several months ago.

They discussed with the Board the history of the area and how it came to be available for the prospectus. The existing outfitters that surround the area were also identified and several concerns mentioned. Ms. Schwind and Mr. Winfield explained one of the concerns that had surfaced was from the holders of the grazing allotment permits in this area, which they were working to address with the permit holder of grazing rights and outfitters but were not specific. The Board said that they had been aware of these concerns earlier but this alone would not be reason why they would delay filling this area without further explanation. They said the outfitter selected needed to be aware of these concerns and that permittees should work constructively with each other to resolve problems. Ms. Schwind also pointed out an overlap with Saddle Springs Outfitters Area identified in the prospectus area west of the Salmon River. The Board agreed to review the overlap before allowing the successful applicant to use the area, but said that whoever is selected would have license priority depending on what is determined.

**MSC (MOTION: IRBY, SECOND, STARK – AYES: LONG, KORELL AND HUNSUCKER; NAYES: – NONE) AT 10:05 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO REVIEW AND SCORE APPLICATIONS FOR THE PROSPECTUS ON THE SALMON CHALLIS NATIONAL FOREST IN LEMHI COUNTY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(d), IDAHO CODE. MSC (MOTION: LONG, SECOND, IRBY; – AYES: KORELL, HUNSUCKER AND STARK; NAYES: – NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:15 A.M**

The Board determined Scoring to be in order of first place through fourth place. 1<sup>st</sup> Rawhide Outfitters, 2<sup>nd</sup> Horse Creek Outfitters, 3<sup>rd</sup> Big Timber Outfitters and 4<sup>th</sup> Mile High Outfitters. **MSC (MOTION: LONG, SECOND IRBY – AYES: HUNSUCKER, KORELL AND STARK NAYES: -- NONE) TO AWARD THE PROSPECTUS TO RAWHIDE OUTFITTERS.**

**MSC (MOTION: STARK, SECOND LONG – AYES: IRBY, KORELL AND HUNSUCKER, NAYES: -- NONE) TO REVIEW THE NON-USE OF SADDLE SPRINGS OUTFITTERS IN THEIR OPERATING AREA #5 RELATIVE TO THE OVERLAP ON BEAR, COUGAR AND PREDATOR ACTIVITIES WITH THE AREA IDENTIFIED IN THE LEMHI PROSPECTUS WEST OF THE SALMON RIVER.**

*Board attorney Roger Hales entered meeting.*

**Acknowledgement of Open Meeting Law Violation** – Board Attorney Roger Hales advised the Board of a violation the Idaho Open Meeting Law had been reported to him by the Attorney General's Office. He explained that the open meeting law requires that State agencies post a special meeting notice 24 hours prior to the Board Meeting with specific agenda items to be discussed. Director Howard explained that the notice for the January 27, 2014 Conference Call meeting had been properly posted for several days prior the meeting but it did not have a specific agenda item. Mr. Hales said that he understood the violation to be minor because the meeting notice was posted as required, purpose of meeting was informational and the Board did not take any action during the meeting. He explained the consequences of a major violation or second minor violation. The Board acknowledged that the violation was inadvertent. **MSC (MOTION: STARK, SECOND IRBY – AYES: LONG, KORELL AND HUNSUCKER, NAYES: -- NONE) TO ACKNOWLEDGE THE OPEN MEETING LAW VIOLATION ON JANUARY 27, 2014.**

**MSC (MOTION: STARK, SECOND LONG – AYES: KORELL, IRBY AND HUNSUCKER, NAYES: -- NONE) TO AMEND THE BOARD MEETING AGENDA TO MOVE THE DIRECTORS REPORT TO THIS AFTERNOON.**

*Chairman Hunsucker recessed meeting at 12:05 P.M. for lunch. Meeting was reconvened at 1:30 with all present except Board Attorney Hales*

**Outfitter License Application Deferral - Big Timber Outfitters, LLC - Billijo Beck, DA - Director** Howard explained that Big Timber Outfitters' license had been amended to include trail rides on private lands owned by Emily Sandstrom but the decision to license them for big game hunting had deferred to the Board due to size of the area, its close proximity to several private residences, related concerns of the IDFG and due to its effect on Lemhi prospectus area. He said that Ms. Beck had requested to appear, but instead provided a letter when she learned the applicants for any prospectus were not initially interviewed. He said that Office Supervisor Thomason had provided Ms. Beck's letter to the Board and USFS along with Big Timber's application for the Lemhi prospectus as Ms. Beck requested so it could be considered when their application was reviewed and scored. He recommended the Board to issue the license for all activities as requested. **MSC (MOTION: LONG, SECOND KORELL – AYES: STARK, IRBY AND HUNSUCKER, NAYES: -- NONE) TO LICENSE BIG TIMBER FOR HUNTING ACTIVITIES ON PRIVATE LANDS OWNED BY EMILY SANDSTROM**

**Financial Report** - The Director reviewed the financials for the last three months with the Board along with the projected balances through June 2014. He also discussed the potential impact of HB – 597. He said until the impact is known, the Board and staff must be very cost conscious. **MSC (MOTION: STARK, SECOND KORELL – AYES: LONG, IRBY AND HUNSUCKER, NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT.**

**Consent Agenda** – The Board reviewed the consent agenda. **MSC (MOTION: STARK, SECOND LONG – AYES: KORELL, IRBY AN HUNSUCKER, NAYES: -- NONE) TO APPROVE THE CONSENT AGENDA.**

**Directors Report – Legislation** - The Director and Board discussed the possible impact of HB -597 and related matters. **Use Reports and GIS** - Director Howard stated that due to the cost of developing an on-line system, use reports likely will not be placed on line in the near future. He said that he a meeting will be set with RDI, IDFG and possibly the Division of Administration regarding the maintenance of the GIS operating areas. **Strategic Plan**- Director Howard discussed moving forward with the Strategic Plan and what direction the Board would want him to take. The Board asked the Director to update the Strategic plan but agreed that it was not necessary to not conduct a comprehensive survey at this time. **“One Time - Hazardous Excursion”** – The Director said an increased number of requests from various organizations interested in providing various types of training, orientation instruction of rented and/or leased equipment, or specific services such as transport of rented equipment to specified locations or special events in Idaho are being made. The Director discussed as an example whether the Board might allow flexibility where an applicant or an existing licensee who does not want to provide traditional commercial boat operations (guided trips, kayak schools, etc) can be licensed to provide very specific “Hazardous Excursion” type activities in a very limited location where the starting and ending point would be essentially the same place. He said that this could be similar to the “One Time Controlled Hunt” process that big game outfitters have available in rule 53 and could be accommodated with a Temporary Authorization. He said similar interests existing with Avalanche training are often being provided as a public service. The Board discussed with no decisions made. **SN 7 Vacancy** - Director Howard explained that a license on the SN 7 section of the Snake River had been relinquished by an outfitter and that several applications for it have been received along with several other interested parties. He reviewed Rule 30 and explained because there is a competitive interest this area, a prospectus should issued to fill it. The Board agreed. Jolinda Tatum from Magic Valley Flight Simulation who had submitted an application was in the audience and was advised accordingly. **Outfitter License Consolidation** – Director Howard discussed outfitters purchasing multiple businesses and consolidating them under one license has become prevalent in parts of the State and that this is also affecting agency revenue. **Foundation for Wildlife Management** – Director Howard said he been contacted by Mr. Tony McDermott, who was interested in obtaining the Board' support of wolf management and that a letter has been drafted to his organization

indicating such. The Board approved the letter and asked the Director to sign it. **Clearwater / Nez Perce NF- Outfitter meeting** - Director Howard said that the annual Clearwater / Nez Perce NF- Outfitter meeting was scheduled for April 17, at the Hearthstone Bakery & Tea House located in Kamiah. **Annual IOGLB/USFS/BLM MOU Meeting** – Director Howard said that the annual IOGLB/USFS/BLM - MOU meeting was scheduled for April 24 at the SNRA Headquarters in Ketchum ID. Training sessions for federal personnel dealing with outfitter matters will also be held the following day (April 25) at the SNRA Headquarters in Ketchum and in Grangeville ID on May 1 at the Grangeville FS office on Airport Road. **Technical Advisory Committee (TAC) Meeting** – The annual meeting is scheduled for April 29, 2014 in Twin Falls ID. Director Howard explained there are several openings on the TAC due to rotation with members leaving and asked that the Board confirm three applicants; Hanna North, Paul Spence and Gary Ashurst. **MSC (MOTION: KORELL, SECOND LONG – AYES: STARK, IRBY AND HUNSUCKER, NAYES: -- NONE) TO CONFIRM THE THREE APPLICANTS FOR THE TAC COMMITTEE.**

**Office Supervisor Report** - Office Supervisor Lori Thomason explained the report submitted to the Board on outfitters that have not renewed their 2014 outfitters license at this time. There are 53 outfitters that have not renewed. All of them have been sent reminders in the mail to renew their licenses for the 2014 license year. Outfitters have also received phone calls and emails from the staff trying to get their licenses renewed. **SN8 BLM-** Bureau of Land Management sent a letter stating that they will no longer be issuing a Special Recreation Permit for the Hagerman Reach of the Snake River. This was effective January 2011. They are relinquishing the need to administer the Special Recreation Permit for the SN8 based on the analysis of impacts from current use. All activities including put- in and take-out on all Idaho Power properties have been determined to pose no threats from commercial outfitters to the natural and cultural resources on public lands that border the river. **SN8 Idaho Power** – Idaho Power sent a letter stating that they have no issues with access by outfitters and guides using Idaho Power Recreation Sites on the Snake River corridor for commercial activities. Their letter stated that Idaho Power Company is happy to provide access for recreation users, including outfitter and guides and their clients to public recreation areas managed by Idaho Power for recreation purposes. **Allocation Report** - Office Specialist II Susan Knappek gave an allocation report dealing with the five year recalculation for Capped Zone Elk hunts for the Diamond Creek A Tags, Sawtooth A Tags, Sawtooth B Tags and the Lolo B Tags, along with IDFG Hunt numbers #36A2, #50-1 and #62-2. Ms. Knappek explained the changes that were made were from the 5 year recalculations. **MSC (MOTION: KORELL, SECOND IRBY – AYES: STARK, LONG AND HUNSUCKER, NAYES: -- NONE) TO ACCEPT THE ALLOCATION REPORT**

**Education and Enforcement Report** - Education and Enforcement Chief Randy Wadley gave an overview of 2013 cases. There are 9 total active investigation cases for 2013, 23 Arrest/Cited Individual's, 47 criminal cases and counts, 14 waiting on trials, 20 court convictions, 13 court dismissals/plea agreements, and out of the 13 citations issued 11 are paid in full and 2 are awaiting payments. There were 22 cases referred to the Prosecutor Mike Kane's Office and 20 cases referred from outside agencies in 2013. **Investigations-** 47 total Idaho Criminal Citations or Criminal Complaints filed, 33 of which are closed (4 Lemhi County, 2 Elmore County, 3 Montana, 1 Minnesota, 6 Adams County, 3 Clearwater County, 3 Boise County, 1 Washington County, 3 Twin Falls County, 2 Fremont County, 7 Idaho County, 1 Custer County, 2 Bear Lake County and 9 Boundary County). **Other Agency Citations-** 36 Idaho Fish and Game violations, 5 Montana Fish and Game violations, 1 Minnesota Fish and Game violation, and 3 Twin Falls County violations. **IOGLB Citations** – 14 issued (11 paid). **Administrative Complaints, Violations, and/or Board Action** – 14 total Board violations reviewed. **Annual Case Investigations** – 95 cases, with 86 closed as of December 31, 2013. Education/ Enforcement Chief Wadley investigated 80 of the 95 complaints for 2013. **Probationary 2013 Licenses** - There were 82. **Cover Fines** - Chief Wadley also explained that he and Director Howard presented Idaho Fish and Game \$3090.42 stemming from covert fines that had been paid to IOGLB dating back to 2010. **Probationary Licenses** - Chief Wadley is asking the Board to clarify the policy as to when the probation period actually starts. The Board stated that they



want the probationary period to start the day of the Board Order. The clarification will be: that licenses placed on Non-restrictive or Restrictive probation by the Licensing Board will start probation upon a completed and signed Board order. It was also brought to the Board's attention that while an outfitter is on probation they are not able to access the online process. The Board would like everyone to be able to go online to process applications whether or not they are on probation. The Director Howard was asked to work with Access Idaho to allow licensing to be more functional.

**Address Transferability of Licenses and Retention of a Security Interest** – *It was noted that Board Attorney, Roger Hales; Board Prosecutor, Mike Kane; IOGA Executive Director, John May, Grant Simonds, and Ken and Elizabeth Smith were present for this discussion.* David Claiborne appeared before the Board as a request of the IOGA. He explained that the IOGA is looking to assemble a working group together to see if an agreement can be reached on the selling of an outfitter business where the seller of a business have the ability to retain a security interest in the license should the new business owner default. Mr. Claiborne stated that this is not a proposal, but a notification to the Board that he intends to start the process and would like participation from the Board. The intent is to establish the default in the court system. The Board attorneys discussed various aspects and concerns over this matter with the Board. The Director said that he would be happy to work with them. The Idaho Outfitters and Guides Association will also work on a template for a buy/sell contract to help with this process.

*Chairman Hunsucker Recessed the meeting at 5:15 P.M. Meeting reconvened at 8:35 A.M. with all present with the exception of Ales Irby. Board Prosecutor, Mike Kane was also present.*

**Harold Davis III Guide License Hearing** - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Davis's guide license application due to the criminal convictions he has received. Mr. Davis is seeking a guide license to work for St Joe Outfitters. Mr. Davis testified and certain exhibits were introduced into evidence. **MSC (MOTION: KORELL, SECOND, STARK; AYES, HUNSUCKER AND LONG; NAYES – NONE) TO GRANT A ONE YEAR NON RESTRICTIVE PROBATIONARY LICENSE TO MR. HAROLD DAVIS III.**

**Matthew Cox Guide License Hearing** - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Cox's guide license application due to the criminal convictions he has received. Mr. Cox is seeking a guide license to work for Hughes River Expeditions. Mr. Cox testified and certain exhibits were introduced into evidence. Jerry Hughes, owner of Hughes River Expeditions, also testified on behalf of Mr. Cox.

**MSC (MOTION: STARK, SECOND, LONG; AYES, NONE) NAYES - HUNSUCKER AND KORELL,) TO GRANT A TWO YEAR RESTRICTIVE PROBATIONARY LICENSE TO MR. MATTHEW COX (MOTION FAILED)**

**MSC (MOTION: STARK, SECOND, LONG; AYES, NONE; NAYES – KORELL AND HUNSUCKER) TO GRANT A ONE YEAR RESTRICTIVE PROBATIONARY LICENSE TO MR. MATTHEW COX**

**MSC (MOTION: LONG, SECOND, STARK; AYES, HUNSUCKER AND KOREL; NAYES – NONE) TO RECONSIDER THE RESTRICTIVE LICENSE TO GRANT A ONE YEAR NON RESTRICTIVE PROBATIONARY LICENSE TO MR. MATTHEW COX**

**Jason Waller** - A guide license hearing was scheduled for Jason Waller; however there were conflicting addresses, and Mr. Waller did not appear. **MSC (MOTION: KORELL, SECOND, STARK; AYES, HUNSUCKER AND LONG; NAYES – NONE) TO CONTINUE THE HEARING UNTIL THE**

**JUNE MEETING**

**MSC (MOTION: LONG, SECOND, STARK; AYES, HUNSUCKER AND KOREL;; NAYES – NONE) TO AMEND THE AGENDA AND MOVE THE DISCIPLINARY HEARING FOR MR. MICHAEL ESTRADA TO 9:35 A.M.**

**Michael Estrada, Guide Disciplinary Hearing** – A guide disciplinary hearing was conducted before the Board by the Board's prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Estrada had received a misdemeanor conviction for Disturbing the Peace from a citation by IDFG. Enforcement Chief Wadley's investigation showed a conviction and the staff filed a formal Complaint against Mr. Estrada with the board for violations of laws and rules; unethical/unprofessional conduct as well as unprofessional actions of conduct toward law enforcement officers of Idaho Fish & Game. Chad Whippermann, Senior Conservation officer with IDFG was called and testified. Mr. Estrada testified, admitting to the violation. Richard Friend from River Adventures also testified for Mr. Estrada. Certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND, LONG; AYES, HUNSUCKER AND KORELL; NAYES – NONE) TO ACCEPT MR. MICHAEL ESTRADA'S ADMISSION OF GUILT AND THAT IT WAS A VIOLATION**

**MSC (MOTION: STARK, SECOND, LONG; AYES, HUNSUCKER AND KORELL; NAYES – NONE) TO GRANT A GUIDE LICENSE ON A NON RESTRICTIVE PROBATIONARY STATUS FOR A TWO YEAR TERM AND PAY A \$1000.00 FINE**

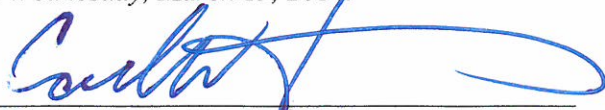
**MSC (MOTION: KORELL, SECOND, STARK; AYES, HUNSUCKER AND LONG; NAYES – NONE) TO GIVE MR ESTRADA 90 DAYS TO PAY THE 1000.00 FINE.**

*Meeting recessed for a 15 minute break 10:30 to 10:45. Meeting reconvened at 10:45*

**Eric Riley – Swift Water Rescue regarding Safety Training Classes on Idaho Rivers** – Mr. Riley asked the Board how his organization might legally provide a swift water training service in different areas of the State of Idaho. Board member Long explained that what Mr. Riley described is often highly sought after and can be quite lucrative. Mr. Riley explained that he receives requests from agencies asking him to train their employees for rescue training and often there are no outfitters that provide or are available to provide this training. Based on some thoughts provided by the Director, the Board agreed to accept an outfitter license application from Mr. Riley where he might be licensed on rivers or streams not typically licensed for boating where conflict with other outfitters might surface. They said based upon the information in the application, they will determine how they might proceed allowing Mr. Riley some flexibility in providing the courses as he is requesting.

Next regular Board meeting is scheduled for June 10, 11 & 12, 2014 in Boise.

*With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 11:35 a.m., Wednesday, March 19, 2014.*

 6/12/2014  
\_\_\_\_\_  
WAYNE HUNSUCKER, CHAIRMAN                      Date

ATTEST:

Board Meeting Minutes  
March 17-19 2014

  
\_\_\_\_\_  
JAKE HOWARD, DIRECTOR

6/25/14  
\_\_\_\_\_  
Date